



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,478	04/06/2005	Koji Hirose	P27691	4983
7055 7590 10/16/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER SYED, NABIL H				
ART UNIT 2612		PAPER NUMBER		
NOTIFICATION DATE 10/16/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/530,478

Applicant(s)

HIROSE ET AL.

Examiner

NABIL H. SYED

Art Unit

2612

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 September 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Note Below.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Brian A Zimmerman/
Supervisory Patent Examiner, Art Unit 2612

Nabil H Syed
Examiner
Art Unit: 2612

Note: As per applicant argument, Graziano fails to disclose that "the remote controller transmits status notification requests through the network to the remotely controlled home device at constant time interval." The Examiner respectfully disagrees. First of all, the Web-based host 70 connects with the home devices through home attendant 31, which is a controller inside the home to receive the signals from the Web-based host 70 to control the home devices. Graziano further discloses that the home attendant can be incorporated inside the device so device can directly communicate with the Web-based host 70; see paragraph [0048], lines 8-11). So the Examiner is interpreting that a remotely control device in Graziano incorporates home device comprising home attendant. So in the fig. 8, when Web-based host communicates the home configuration information to the home attendant (, see fig. 8, 822) since the home attendant is comprised inside the home device as written above, Web-based host is transmitting signal to the home device.) Further as disclosed in the previous rejection, Graziano further discloses that at the time of generating account user provides home configuration information to generate customized description of their home, and home configuration information includes behavioral setting which monitors the status of the home devices (remotely controlled device) according to user preference (e.g., day time state, evening state and night state) so web based host system will transmit these information at times specified by user, hence transmitting status request at constant times (see paragraph [0070] and [0073]). So Graziano discloses that Web-based host 70 (remote controller) communicates with the home devices at constant times. And Sekiguchi discloses the step of acquiring the current address of the device on the system. So it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the reference of Graziano and Sekiguchi to acquire the current address (IP address) of the device is automatically obtained at constant times and the interface connectivity problem is avoided (see paragraph [0011]).

Further Sekiguchi discloses that home gateway comprises two systems (via first system and second system; see fig. 2; also see paragraph [0026]) wherein second system is connected to peripheral devices on home network. Sekiguchi further discloses that first system periodically (constant time interval) monitors the connectivity conditions of controller 225 to determine whether the power of the second system is turned on (so first system communicating with the remotely controlled device at constant time intervals), and when power is turned on, the first system acquires the IP address (current address) of the second system (so acquiring a current address of the remotely controlled device), which is connected to the home devices (see paragraph [0059]-[0062] and [0067]-[0069]). Based on the definition given above the Examiner believes that the references of Graziano and Sekiguchi discloses the invention as claimed by the applicant.